THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 17253 of 2005

Dated : 05.08.2005

Between:

V. Durga Prasad, S/o. Rammurthy Raju,
R/o. D.No.20-3/1-60A, New Ayodhya Nagar,
Vijayawada, Krishna District.

..... PETITIONER

AND

The Commissioner, Municipal Corporation of Vijayawada, Vijayawada-1.

.....RESPONDENT

ORDER:

This writ petition is filed seeking a declaration that the action of the respondent-Corporation in demolishing the structures in the premises bearing No.33-10-4, situated at Boyapativari Street, Seetharampuram, Vijayawada and interfering with the construction activity of the petitioner therein is arbitrary and illegal.

The case of the petitioner is that he has entered into an agreement with the owner of the premises bearing No.33-10-4, on 22.07.2004 for construction of four floors and the owner of the said premises obtained sanction plan from the respondent-Corporation through proceedings dated 29.01.2005. In pursuance of the sanction plan, the petitioner has demolished the old house and started constructing the new building. While so, the respondent-Corporation has issued a show cause notice dated 26.07.2005 to the owner of the premises in question alleging that he has deviated the sanctioned plan and accordingly the petitioner has submitted an explanation dated 01.08.2005. However, without considering the said explanation,

the respondent-Corporation has been interfering with the construction of the petitioner. Hence this writ petition.

As seen from the record, the explanation submitted by the petitioner is pending before the respondent. Therefore, having regard to the facts and circumstances of the case and without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondent to consider the explanation submitted by the petitioner dated 01.08.2005 to the show cause notice dated 26.07.2005 and pass appropriate orders after affording due opportunity to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, the respondent is directed not to take any action in pursuance of the show cause notice dated 26.07.2005.

With the above direction the writ petition is disposed of at the admission stage.

_____

05.08.2005

sh